

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08CV102

LIGNA ACQUISITIONS GROUP, LLC,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
211 INVESTMENTS, LP, et al.,)	
)	
Defendants.)	
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)	
211 INVESTMENTS, LP, et al.,)	
)	
Third-Party Plaintiffs,)	
)	
vs.)	
)	
MARIO GUESS, et al.,)	
)	
Third-Party Defendants.)	
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This matter is before the court upon Third-Party Plaintiffs’ Motion for Summary Judgment as to Ligna Acquisition Group, LLC (“Ligna”), filed May 22, 2008. Third-Party Plaintiffs have also moved for summary judgment as to Ligna’s sole claim for relief against them. In support of their motion, Third-Party Plaintiffs offer their Verified Answer, Counterclaim, and Third-Party Complaint as well as the affidavit of Daniel Bailey. Ligna was previously represented by counsel but counsel was allowed to withdraw on May 8, 2008. No other counsel has made an appearance on behalf of Ligna since that time, nor has Ligna sought to prosecute its lawsuit against the Defendants. Ligna has failed to file any opposition to the motion for summary judgment.

While Ligna has not filed an opposition to the motion, Third-Party Defendant THP Escrow Services Corporation (“THP”) did file a response in opposition. However, THP is not the party against whom the motion for summary judgment is made. Ligna has failed to comply with Rule 56(e)(2) which requires the opposing party to respond by affidavits or otherwise setting forth specific facts showing a genuine issue for trial. Fed. R. Civ. P 56(e)(2). Rule 56(e)(2) states that “[i]f the opposing party does not so respond, summary judgment should, if appropriate, be entered against that party.” Id. Based upon the verified pleadings and the affidavit submitted by Third-Party Plaintiffs, it appears that summary judgment is appropriate as to Ligna.

IT IS THEREFORE ORDERED that Third-Party Plaintiffs’ Motion for Summary Judgment as to Ligna is hereby GRANTED.

IT IS FURTHER ORDERED that summary judgment is hereby granted as to Ligna’s claim against the Defendants/Third-Party Plaintiffs.

Signed: October 14, 2008

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

